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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,521

10/19/2001

Richard Romano

150.1023

6035

7590

10/02/2003

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485 Seventh Avenue  
New York, NY 10018

EXAMINER

CRANSON JR, JAMES W

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,521

Applicant(s)

ROMANO ET AL.

Examiner

James W Cranson

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-103 is/are pending in the application.
- 4a) Of the above claim(s) 1-45, 72, 74, 78-86, 88-90, 92-95 and 100-103 is/are withdrawn from consideration *and cancelled*.
- 5) ☒ Claim(s) 64-69, 71, 77, 87 and 99 is/are allowed.
- 6) ☒ Claim(s) 46, 47, 58, 60, 70, 73, 75, 76, 91 and 96-98 is/are rejected.
- 7) ☒ Claim(s) 48-57, 59, 61-63 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2875

## DETAILED ACTION

### *Drawings*

The drawings were received on 7/2/2003. These drawings are accepted by the examiner.

### *Election/Restrictions*

Claims 1-45, 72, 74, 78-86, 88-90, 92-95 and 100-103 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim and further, claims 1-45, 72, 74, 78-86, 88-90, 92-95 and 100-103 were canceled in Paper No. 11. Election was made **without** traverse in Paper No. 11.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 46-47, 58, 60, 70, 73, 75, 76, 91, and 96 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,980,066 to Belliveau et al.

Regarding claims 46-47, 60, 73, 91 and 96:

Belliveau et al. discloses a wash light projector with multiple beam shapes comprising: light source (72); optical element or plurality of optical elements movable from no light on element (188d, 188d' positions where opening do not contain a lens element, column 5, lines 42-45, 62-64) to most of light on element (188b, 288b), and plural intermediate positions (188a, 288a, 188c, 288c), wherein optical elements is comprised of a plurality of radially sectioned

Art Unit: 2875

sub-elements (column 5, lines 30-33, "having a plurality of radically extending grooves or lenticules").

Regarding claims 58 and 70, according to claims 46 or 60 including lenticular arrays (column 5 lines 49-64).

Regarding claims 75 and 76, according to claims 46 or 60, comprising motors moving optical elements, (column 5, lines 20-25)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 97 and 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Belliveau in view of USPN 4,797,795 to Callahan. Belliveau does not disclose using remote control in a projector lighting system. Callahan teaches using a remote control console to control projection lighting systems. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Belliveau with the remote control console as taught by Callahan. The purpose is to allow the system to be operable from a remote location.

***Allowable Subject Matter***

Claims 48-57, 59 and 61-63, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 64-69, 71, 77, 87 and 99 are allowed.

Art Unit: 2875

The following is a statement of reasons for the indication of allowable subject matter:

The limitation of "a base having an opening formed therein" combined the limitation of "with a plurality of optical sub-elements movably secured to the base, each sub-element movable between a first position in which a beam of light passing through the opening does not impinge upon the optical sub-element, a second position in which substantially all of the beam of light impinges upon the optical sub-element, and a plurality of intermediate positions in which a portion of the beam of light impinges upon the optical sub-element." is not disclosed or taught in the art of record.


The limitation above is in claims 64-69, 71, 77, 87, and 99 because independent claim 64 has the limitation and the claims 63-69, 71, 77, and 99 depend on claim 64. Claim 87 is independent.

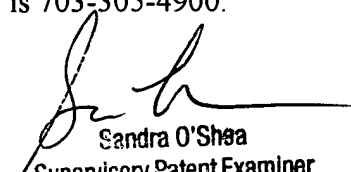
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Cranson whose telephone number is 703-305-5514. The examiner can normally be reached on Mon-Fri 8:30A.M. - 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

  
September 8, 2003

  
Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800